REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 1, 2, 9 and 15 have been amended to conform to the corresponding PCT Application No. PCT/US03/04005 and to correct minor formal errors. Applicant respectfully submits that the foregoing amendments more clearly point out and claim what the applicant considers to be the invention, and that no new matter is added by this amendment. Claims 16-57 have been withdrawn without prejudice; therefore, claims 1-15 are pending in this application.

The Examiner has rejected claims 1-15 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,069,960 to Fukumoto et al. ("the Fukumoto Patent"). The Examiner's rejection is respectfully traversed, as discussed in detail below, on the basis that the pending claims recite a heavier, typically denser tile than that of the Fukumoto Patent, the tile also having unique shock absorption capabilities.

The Fukumoto Patent discloses a thermally insulating foam glass tile that is coated with an outside surface to make a hard skin suitable for covering the outside of a building. The tiles disclosed are fabricated in extremely small sizes, *e.g.*, 18 cm x 18 cm x 6 cm (see Col. 7, lines 34-40), and the interior foam material which makes up the bulk of the tile is typically of a low density resulting in a relatively lightweight tile. The Examiner has stated that the Fukumoto Patent discloses a glass tile having a weight in

the range of 12.5 to 187 lbs., however the applicant respectfully submits that there is no disclosure anywhere in the Fukumoto Patent of a tile within this weight range. Specifically, the Fukumoto Patent discloses a glass tile with a density between .2 and 1.3 gm/cc (12.49 - 81.16 lb/cu. ft.) the typical density being .3 g/cc (18.73 lb/cu. ft.). Therefore, tiles of the size disclosed in the Fukumoto Patent would have a weight between .86 lbs. and 5.57 lbs. with a typical weight of 1.29 lbs.

By contrast, Claim 1 of the present invention recites a glass tile having a density between 30 and 100 lb./cu. ft. and a weight of greater than 30 lbs. Such tiles have been found to be capable of absorbing sufficient energy from an explosion or an earthquake to protect a building from earthquake damage or a terrorist attack. Despite the Examiner's statements to the contrary, the applicant submits that there is no basis for concluding that the strength of the material disclosed in the Fukumoto Patent is capable of absorbing energy from an explosion or an earthquake. The ability of the tiles disclosed in the Fukumoto Patent to withstand *thermal* shock, i.e., rapid changes in temperature, (*see* col. 6, line 21) does not speak to the ability of the tiles to resist or withstand a shock wave such as that resulting from an explosion.

Finally, the Examiner has stated that the surface area and thickness of a tile is a matter of design choice; however, this statement ignores the fact that a larger, heavier tile of a typically higher density than that disclosed in the Fukumoto Patent has the unexpected advantage of being able to protect critical portions of the structure of a

building by absorbing or resisting a substantial portion of the energy of shock waves or earthquakes. By contrast, the size and weight of the tiles disclosed in the Fukumoto Patent renders them unsuitable for absorbing such energy.

In view of the foregoing, it is believed that Claims 1-15 are patentable over the cited references. Accordingly, allowance thereof respectfully requested.

If an extension of time is required to enable this document to be timely filed and there is no separate request for extension of time this document is to be construed as also constituting a request for an extension of time under 37 CFR § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a request for extension of time and any other fee required by this document pursuant to 37 CFR §§ 1.16 and 1.17 and not submitted herewith such be charged to the deposit account of the undersigned attorney, Account No. 01-1785; any refund should be credited to the same account.

Respectfully submitted,

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Dated: September 11, 2003
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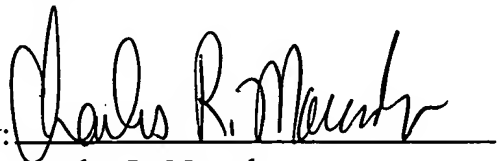
By: 
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